

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SHAEL CRUZ, on behalf of himself and all others :  
similarly situated, :  
:  
Plaintiff, :  
:  
-v- :  
:  
SHOEBACCA LTD., :  
:  
Defendant. :  
:  
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ELECTRONICALLY FILED  
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1:20-cv-1462-GHW

ORDER TO SHOW  
CAUSE

GREGORY H. WOODS, District Judge:


Plaintiff's complaint was filed on February 19, 2020. Dkt. No. 1. Plaintiff requested the issuance of a summons that same day, Dkt. No. 3, and the Court issued the requested summons on December 20, 2020. Dkt. No. 4. On May 27, 2020, Plaintiff, by letter, requested that the Court adjourn the scheduled initial pre-trial conference and further requested that the deadline for service be extended. Dkt. No. 8. The Court granted that application and extended the deadline for service to June 11, 2020.

Federal Rule of Civil Procedure 4(m) states, in relevant part, that "[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." As the complaint was filed on February 19, 2020, the ninety-day window for service closed on May 20, 2020. As of the date of this order, no proof of service has been docketed; the Court understands that Defendant has not yet been served.

Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE by June 17, 2020 as to why this action should not be dismissed for failure to serve process in the time allotted by Federal Rule of Civil Procedure 4(m).

SO ORDERED.

Dated: June 12, 2020

  
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GREGORY H. WOODS  
United States District Judge